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OFFICE OF PETITIONS

In re Application of :
Paul A. Puniello et al : **DECISION ON PETITION**
Application No. 10/748,210 : **UNDER 37 CFR 1.47(a)**
Filed: December 31, 2003 :
Attorney Docket No. 20002.0365 :

This is in response to the petition under 37 CFR 1.47(a), filed June 29, 2004, and in response to the papers filed July 6, 2004, which included a Declaration signed by a previously non-signing inventor, in compliance with 37 CFR 1.63. This is also a decision on the request for refund filed April 12, 2007.

The petition is **DISMISSED** as Moot.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file.

The request for a refund of the \$130 petition fee is denied. Even though, a decision was not rendered prior to the filing of the executed declaration on July 6, 2004, the petition fee was necessary at the time of filing the petition on June 29, 2004, in response to the Notice To File Missing Parts of Application mailed April 29, 2004. Therefore, the petition fee was not paid by mistake. See 37 CFR 1.26(a).

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions